

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAFFE & HOUGH, P.C.,
Plaintiff,

v.

LAURA AND MICHAEL BAINE,
Defendants.

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CIVIL NO. 09-3000

ORDER

AND NOW, this 10th day of March, 2010, upon consideration of Defendants' Motion to Dismiss [Doc. No. 2] and Plaintiff's Response in Opposition [Doc. No. 5], it is hereby **ORDERED** that Defendants' Motion is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1) Defendants' Motion to Dismiss for failure to state a breach of contract claim is **GRANTED**. Plaintiff's breach of contract claim, found in paragraphs 26 through 30 of its Complaint [Doc. No. 1], is **DISMISSED** without prejudice; and

2) All other claims made by Defendants in their Motion to Dismiss are **DENIED**. Plaintiff's claim for quantum meruit remains before this Court.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.